

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

SAMUEL W. OETINGER,

Plaintiff,

v.

USAA GENERAL INDEMNITY
COMPANY,

Defendant.

Case No. 3:17-cv-00120-SLG

ORDER RE MOTION TO COMPEL

Before the Court is Plaintiff's Motion to Compel (Docket 19); at Docket 24 is Defendant's opposition; and at Docket 25 is the reply.

The motion will be denied without prejudice, because Plaintiff failed to comply with Fed. R. Civ. P. 37(a)(1) and Local Rule 37.1(a) and has not shown that any exigent circumstances existed to excuse such failure to comply.

The Court provides the following observations upon review of the parties' filings, in an effort to facilitate the parties' resolution of this discovery dispute:

The Court finds it likely that a limited amount of discovery would be permitted with respect to Auto Injury Solutions, Inc., and Work Loss Data Institute, LLC, in this case, but that such discovery would be limited so as to be proportional to the amount of the dispute. Such discovery would likely include information regarding (1) the compensation paid to Dr. Absi and/or Auto Injury Solutions for each of the doctor's opinions with respect to the medical services delivered to Mr. Oetinger on April 1, 2016 and on March 10, 2016; (2) how the compensation paid to Dr. Absi or Auto Injury Solutions for its reviews was determined in 2016 (for example, was the compensation amount at all dependent on the

nature of the opinion rendered?), including relevant excerpt(s) of written agreement(s) for such compensation; and (3) whether there is any overlapping ownership interest between Auto Injury Solutions, Work Loss Data Institute, and/or USAA GIC.

For the foregoing reasons, the Motion to Compel at Docket 19 is DENIED without prejudice.

DATED this 3rd day of May, 2018 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE